

Exhibit B

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA, MISSOULA DIVISION

WESTERN WATERSHEDS PROJECT, et
al.,

Plaintiffs,

and

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Consolidated Plaintiffs

v.

UNITED STATES FISH AND WILDLIFE
SERVICE, et al.,

Defendants,

and

STATE OF UTAH,

Proposed Intervenor-
Defendants.

Lead Case
9:24-cv-00086-DWM

Member Case
9:24-cv-00087-DWM
9:24-cv-00097-DWM

**PROPOSED INTERVENOR-
DEFENDANT STATE OF UTAH'S
PROPOSED ANSWER TO
PLAINTIFFS CENTER FOR
BIOLOGICAL DIVERSITY, ET
AL'S COMPLAINT IN LEAD
CASE**

COMES NOW, Defendant-Intervenor State of Utah ("the State") respectfully answers and asserts defenses to the allegations and claims contained in the Complaint filed by Plaintiffs Center

for Biological Diversity, the Humane Society of the United States, Humane Society Legislative Fund, and Sierra Club (collectively “Plaintiffs”) (Doc. 1), and answer each numbered paragraph as follows:

GENERAL DENIAL

Utah denies each and every allegation of the Complaint that is not expressly and specifically admitted below.

INTRODUCTION

1. Utah admits Plaintiffs filed a Complaint in the Lead Case. Utah otherwise denies all allegations in Paragraph 1.

2. Utah admits wolves in Idaho, Montana, and Wyoming, as well as parts of Washington, Oregon, and Utah (“the Northern Rocky Mountains DPS”) have been removed from the Endangered Species Act (“ESA”) (“delisted”). Utah otherwise denies all allegations in Paragraph 2.

3. Utah denies the allegations in Paragraph 3.

4. Utah denies the allegations in Paragraph 4.

5. Utah denies the allegations in Paragraph 5.

6. Utah admits Plaintiffs submitted a formal petition in May 2021, which is the subject of the instant litigation. Utah otherwise denies all allegations in Paragraph 6.

7. The Fish and Wildlife Service’s response to Plaintiffs’ petition speaks for itself and Utah denies all allegations that are inconsistent with the petition. 89 Fed. Reg. 8391 (Feb. 7, 2024). Utah otherwise denies all allegations in Paragraph 7.

8. Utah denies the allegations in Paragraph 8.

9. Utah admits Plaintiffs have requested the relief outlined in Paragraph 9. Utah denies

Plaintiffs are entitled to such relief and otherwise denies all allegations in Paragraph 9.

JURISDICTION

10. The allegations in Paragraph 10 are conclusions of law for which no response is required. To the extent a response is required, Utah denies the allegations in Paragraph 10.

11. The allegations in Paragraph 11 are conclusions of law for which no response is required. To the extent a response is required, Utah denies the allegations in Paragraph 11.

12. Utah lacks sufficient knowledge or information to either admit or deny the allegations in Paragraph 12 and, on that basis, denies the allegations set forth therein.

13. The allegations in Paragraph 13 are conclusions of law for which no response is required. To the extent a response is required, Utah denies the allegations in Paragraph 13.

14. The allegations in Paragraph 14 are conclusions of law for which no response is required. To the extent a response is required, Utah denies the allegations in Paragraph 14.

VENUE

15. The allegations in Paragraph 15 are conclusions of law for which no response is required. To the extent a response is required, Utah denies the allegations in Paragraph 15.

16. The allegations in Paragraph 16 are conclusions of law for which no response is required. To the extent a response is required, Utah denies the allegations in Paragraph 16.

PARTIES

Plaintiffs

17. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 17 and, on that basis, denies the allegations set forth therein.

18. Utah lacks sufficient information to either admit or deny the allegations in

Paragraph 18 and, on that basis, denies the allegations set forth therein.

19. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 19 and, on that basis, denies the allegations set forth therein.

20. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 20 and, on that basis, denies the allegations set forth therein.

21. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 21 and, on that basis, denies the allegations set forth therein.

22. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 22 and, on that basis, denies the allegations set forth therein.

23. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 23 and, on that basis, denies the allegations set forth therein.

24. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 24 and, on that basis, denies the allegations set forth therein.

25. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 25 and, on that basis, denies the allegations set forth therein.

26. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 26 and, on that basis, denies the allegations set forth therein.

27. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 27 and, on that basis, denies the allegations set forth therein.

28. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 28 and, on that basis, denies the allegations set forth therein.

29. Utah lacks sufficient information to either admit or deny the allegations in

Paragraph 29 and, on that basis, denies the allegations set forth therein.

30. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 30 related to Plaintiffs' desire to view wild wolves and signs of their presence and, on that basis, denies the allegations set forth in Paragraph 30. Utah further denies all remaining allegations in Paragraph 30, particularly as it relates to Plaintiffs' alleged injuries.

31. Utah denies the allegations in Paragraph 31.

32. Utah denies the allegations in Paragraph 32.

33. Utah denies the allegations in Paragraph 33.

34. Utah denies the allegations in Paragraph 34.

35. Utah denies the allegations in Paragraph 35.

Defendants

36. Utah admits the allegations in Paragraph 36.

37. Utah admits the first sentence in Paragraph 37. The remaining allegations in Paragraph 37 are legal conclusions, for which no response is required. To the extent a response is required, Utah denies the allegations.

38. Utah admits the allegations in Paragraph 38.

LEGAL BACKGROUND

Endangered Species Act – Purpose, Listings, and Protections

39. The case law and statutory authorities cited in Paragraph 39 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 39 to the extent they draw legal conclusions regarding these authorities.

40. The statutes and reports cited in Paragraph 40 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 40 to the extent they draw

legal conclusions regarding these authorities.

41. The statutes cited in Paragraph 41 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 41 to the extent they draw legal conclusions regarding these authorities.

42. The statutes and regulations cited in Paragraph 42 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 42 to the extent they draw legal conclusions regarding these authorities.

43. The statutes and policies cited in Paragraph 43 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 43 to the extent they draw legal conclusions regarding these authorities.

44. The policies and case law cited in Paragraph 44 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 44 to the extent they draw legal conclusions regarding these authorities.

45. The case law cited in Paragraph 45 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 45 to the extent they draw legal conclusions regarding these authorities.

46. The policies and case law cited in Paragraph 46 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 46 to the extent they draw legal conclusions regarding these authorities.

47. The regulations cited in Paragraph 47 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 47 to the extent they draw legal conclusion regarding these authorities.

48. The statute cited in Paragraph 48 speaks for itself and provides the best evidence of

its content. Utah denies the allegations in Paragraph 48 to the extent they draw legal conclusions regarding these authorities.

49. The statutes and regulations cited in Paragraph 49 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 49 to the extent they draw legal conclusions regarding these authorities.

50. The statutes and regulations cited in Paragraph 50 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 50 to the extent they draw legal conclusions regarding these authorities.

51. The report cited in Paragraph 51 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 51 to the extent they draw legal conclusions regarding these authorities.

52. The statutes cited in Paragraph 52 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 52 to the extent they draw legal conclusions regarding these authorities.

53. The statutes cited in Paragraph 53 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 53 to the extent they draw legal conclusions regarding these authorities.

54. The statutes and regulations cited in Paragraph 54 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 54 to the extent they draw legal conclusions regarding these authorities.

55. The allegations in Paragraph 55 are conclusions of law for which no response is

required. To the extent a response is required, Utah denies the allegations in Paragraph 55.

Endangered Species Act – Listing Petitions

56. The statute cited in Paragraph 56 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 56 to the extent they draw legal conclusions regarding these authorities.

57. The statute and regulations cited in Paragraph 57 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 57 to the extent they draw legal conclusions regarding these authorities.

58. The statute and regulations cited in Paragraph 58 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 58 to the extent they draw legal conclusions regarding these authorities.

59. Utah lacks sufficient knowledge or information to either admit or deny the allegations in Paragraph 59 and, on that basis, denies the allegations set forth therein.

60. The statute cited in Paragraph 60 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 60 to the extent they draw legal conclusions regarding these authorities.

61. The statute cited in Paragraph 61 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 61 to the extent they draw legal conclusions regarding these authorities.

Administrative Procedure Act

62. The statute cited in Paragraph 62 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 62 to the extent they draw legal conclusions

regarding these authorities.

63. The statutes cited in Paragraph 63 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 63 to the extent they draw legal conclusions regarding these authorities.

64. The case law cited in Paragraph 64 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 64 to the extent they draw legal conclusions regarding these authorities.

FACTUAL BACKGROUND

Gray Wolf Ecology and History of Persecution

65. Utah denies the allegations in Paragraph 65.

66. Utah admits the allegations in the first sentence of Paragraph 66. Utah denies the remaining allegations set forth therein.

67. Utah denies the allegations in Paragraph 67.

68. Utah denies the allegations in Paragraph 68.

69. Utah admits that gray wolf populations inhabit the Northern Rocky Mountains, West Coast of the United States, Great Lake States, a number of states in between (albeit in smaller numbers), as well as Canada and Alaska by the tens of thousands. Utah otherwise denies the allegations in Paragraph 69.

Legal Status of Gray Wolves in the Western United States

70. The allegations in Paragraph 70 characterize a 2009 rule published at 74 Fed. Reg. 15123 (April 2, 2009) ("2009 Rule"), which speaks for itself and is the best evidence of its content. Utah denies the allegations in Paragraph 70 to the extent they characterize and draw legal conclusions regarding the 2009 Rule. Utah admits that the Service delisted wolves in Idaho,

Montana, and parts of Oregon, Utah, and Washington in 2009.

71. The case law and Congressional actions cited in Paragraph 71 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 71 to the extent they characterize and draw legal conclusions regarding these authorities. Utah otherwise denies the allegations in Paragraph 71.

72. Utah admits that gray wolf management was returned to the states in the Northern Rocky Mountain DPS. Utah otherwise denies the allegations in Paragraph 72.

73. Utah admits the allegations in Paragraph 73.

74. Utah denies the allegations in Paragraph 74.

Threats to Gray Wolves in the Western United States

75. Utah denies the allegations in Paragraph 75.

76. Utah denies the allegations in Paragraph 76.

77. Utah denies the allegations in Paragraph 77.

78. The legislation and state management plan cited in Paragraph 78 speak for themselves and represent the best evidence of their content. Utah denies the allegations in Paragraph 78 to the extent they characterize and draw legal conclusions regarding these authorities. Utah otherwise denies the allegations in Paragraph 78.

79. The rules, regulations, and state management plan cited in Paragraph 79 speak for themselves and represent the best evidence of their content. Utah denies the allegations in Paragraph 79 to the extent they characterize and draw legal conclusions regarding these authorities. Utah otherwise denies the allegations in Paragraph 79.

80. Utah denies the allegations in Paragraph 80.

81. Utah denies the allegations in Paragraph 81.

82. Utah denies the allegations in Paragraph 82.

83. Utah denies the allegations in Paragraph 83.

84. Utah denies the allegations in Paragraph 84.

85. Utah denies the allegations in Paragraph 85.

Listing Petition, Initial Response, and “Not Warranted” Finding

86. Utah admits Plaintiffs submitted a petition to the Service. That document speaks for itself and provides the best evidence of its content. Utah otherwise denies the allegations in Paragraph 86.

87. The Service’s findings cited in Paragraph 87 speak for themselves and constitute the best evidence of their content. Utah denies the allegations in Paragraph 87 to the extent they characterize and draw legal conclusions regarding those findings. Utah otherwise admits that the Service opened a status review of wolves in the Western United States.

88. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 88 and, on that basis, denies the allegations set forth therein.

89. Utah admits the Service published a finding at 89 Fed. Reg. 8391 (Feb. 7, 2024), which included a Species Assessment and Listing Priority Assignment Form and a Species Status Assessment for the Gray Wolf in the Western United States. Utah otherwise lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 89 and, on that basis, denies the allegations set forth therein.

90. The allegations in Paragraph 90 and the associated footnote characterize the Service’s 2024 finding, which speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 90 and its footnote to the extent they characterize and draw legal conclusions regarding the 2024 finding.

91. The allegations in Paragraph 91 characterize the Service's 2024 finding, which speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 91 to the extent they characterize and draw legal conclusions regarding the 2024 finding. Utah otherwise admits that the Service determined that the listing petition sought was "not warranted."

92. Utah admits the first sentence of Paragraph 92. Utah otherwise denies the allegations in Paragraph 92.

Scientific Evidence Demonstrates the Imperiled Status of Gray Wolves in the Western U.S.

93. Utah denies the allegations in Paragraph 93.

94. Utah denies the allegations in Paragraph 94.

95. Utah denies the allegations in Paragraph 95.

96. Utah denies the allegations in Paragraph 96.

97. Utah denies the allegations in Paragraph 97.

98. Utah denies the allegations in Paragraph 98.

99. Utah denies the allegations in Paragraph 99.

100. Utah denies the allegations in Paragraph 100.

101. Utah denies the allegations in Paragraph 101.

102. Utah denies the allegations in Paragraph 102.

103. Utah denies the allegations in Paragraph 103.

104. Utah denies the allegations in Paragraph 104.

105. Utah denies the allegations in Paragraph 105.

The Service's Faulty Justifications for its "Not Warranted" Finding

106. Utah admits the allegations in Paragraph 106.

107. The allegations in Paragraph 107 characterize the Service's 2024 finding, which speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 107 to the extent they characterize and draw legal conclusions regarding the 2024 finding.

108. The allegations in Paragraph 108 characterize the Service's 2024 finding, which speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 108 to the extent they characterize and draw legal conclusions regarding the 2024 finding.

109. Utah denies the allegations in Paragraph 109.

110. The allegations in Paragraph 110 and its footnote characterize the SSA and Species Assessment Form, which speak for themselves and are the best evidence of their content. Utah denies the allegations in Paragraph 110 and its footnote to the extent they characterize and draw legal conclusions regarding these documents.

111. The allegations in Paragraph 111 characterize the SSA, which speak for itself and is the best evidence of its content. Utah denies the allegations in Paragraph 111 to the extent they characterize and draw legal conclusions regarding the SSA.

112. Utah denies the allegations in Paragraph 112.

113. The allegations in Paragraph 113 characterize the SSA, which speaks for itself and is the best evidence of its content. Utah denies the allegations in Paragraph 113 to the extent they characterize and draw legal conclusions regarding the SSA.

114. The allegations in Paragraph 114 characterize the SSA, which speaks for itself and is the best evidence of its content. Utah denies the allegations in Paragraph 114 to the extent they characterize and draw legal conclusions regarding the SSA.

115. Utah denies the allegations in Paragraph 115.

116. Utah denies the allegations in Paragraph 116.

117. Utah denies the allegations in Paragraph 117.

118. Utah denies the allegations in Paragraph 118.

119. Utah denies the allegations in Paragraph 119.

120. Utah denies the allegations in Paragraph 120.

121. Utah denies the allegations in Paragraph 121.

122. Utah denies the allegations in Paragraph 122.

123. Utah denies the allegations in Paragraph 123.

124. Utah denies the allegations in Paragraph 124.

125. Utah denies the allegations in Paragraph 125.

126. Utah denies the allegations in Paragraph 126.

127. Utah denies the allegations in Paragraph 127.

128. The allegations in Paragraph 128 characterize the SSA, which speaks for itself and is the best evidence of its content. Utah denies the allegations in Paragraph 128 to the extent they characterize and draw legal conclusions regarding the SSA.

129. Utah denies the allegations in Paragraph 129.

130. Utah denies the allegations in Paragraph 130.

CLAIM FOR RELIEF

Violations of the ESA and the APA in Determining that Listing the Gray Wolf in the Western U.S. is “Not Warranted” as an Endangered or Threatened “Distinct Population Segment”

131. In response to Paragraph 131, Utah reasserts and incorporates by reference its responses to the preceding paragraphs.

132. Utah denies the allegations in Paragraph 132.

The Service's Analysis of the Status of Wolves in the Northern Rocky Mountains Ignores the Best Available Science and Relies on Faulty Assumptions

133. Utah denies the allegations in Paragraph 133.

134. Utah denies the allegations in Paragraph 134.

135. Utah denies the allegations in Paragraph 135.

136. Utah denies the allegations in Paragraph 136.

137. Utah denies the allegations in Paragraph 137.

138. Utah denies the allegations in Paragraph 138.

139. Utah denies the allegations in Paragraph 139.

140. Utah denies the allegations in Paragraph 140.

141. Utah denies the allegations in Paragraph 141.

142. Utah denies the allegations in Paragraph 142.

The Service's Analysis for Wolves in "Significant Portions" Outside the Northern Rocky Mountains is Arbitrary and Capricious.

143. Utah denies the allegations in Paragraph 143.

144. Utah denies the allegations in Paragraph 144.

145. Utah denies the allegations in Paragraph 145.

146. Utah denies the allegations in Paragraph 146.

147. Utah denies the allegations in Paragraph 147.

148. Utah denies the allegations in Paragraph 148.

149. Utah denies the allegations in Paragraph 149.

150. Utah denies the allegations in Paragraph 150.

151. Utah denies the allegations in Paragraph 151.

The Service's Determination that Wolves in "All" of the Western DPS are not Threatened or Endangered is Arbitrary and Capricious.

152. Utah denies the allegations in Paragraph 152.

153. Utah denies the allegations in Paragraph 153.

154. Utah denies the allegations in Paragraph 154.

155. Utah denies the allegations in Paragraph 155.

156. Utah denies the allegations in Paragraph 156.

157. Utah denies the allegations in Paragraph 157.

158. Utah denies the allegations in Paragraph 158.

PRAYER FOR RELIEF

Utah denies all the allegations and requests for relief included in Plaintiffs' Prayer for Relief.

DEFENSES

1. Plaintiffs fail to state a claim for which relief may be granted.
2. Plaintiffs lack standing to assert one or more of their claims.
3. This Court lacks jurisdiction over one or more of Plaintiffs' claims.
4. Some or all of Plaintiffs' claims are not ripe.

Utah reserves the right to assert additional affirmative defenses as they become evident.

WHEREFORE, Utah respectfully requests that Plaintiffs' claims be dismissed with prejudice, that judgment be entered on behalf of Defendants and against Plaintiffs on all claims, and that such further relief be granted Defendants as this Court deems just and proper.

Respectfully submitted this ____ day of October 2024.

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CENTER FOR BIOLOGICAL
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v.

UNITED STATES FISH AND WILDLIFE
SERVICE, et al.,

Defendants,

and

STATE OF UTAH,

Proposed Intervenor-
Defendant.

Lead Case
9:24-cv-00086-DWM

Member Case
9:24-cv-00087-DWM
9:24-cv-00097-DWM

**PROPOSED INTERVENOR-
DEFENDANT STATE OF UTAH'S
PROPOSED ANSWER TO
PLAINTIFFS WESTERN
WATERSHEDS PROJECT, ET
AL'S COMPLAINT IN MEMBER
CASE NO. 9:24-CV-00087**

COMES NOW, Defendant-Intervenor State of Utah ("the State") respectfully answers and asserts defenses to the allegations and claims contained in the Complaint filed by Plaintiffs Western

Watersheds Project, The International Wildlife Coexistence Network, WildEarth Guardians, NIMHPUU Protecting the Environment, Alliance for the Wild Rockies, Friends of the Clearwater, Wilderness Watch, Predator Defense, Trap Free Montana, and Protect the Wolves (collectively “Plaintiffs”) (Doc. 1), and answer each numbered paragraph as follows:

GENERAL DENIAL

Utah denies each and every allegation of the Complaint that is not expressly and specifically admitted below.

INTRODUCTION

1. Utah admits Plaintiffs filed a Complaint in the Member Case, No. 9:24-cv-00087. Utah otherwise denies the allegations in Paragraph 1.

2. The Service’s findings cited in Paragraph 2 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 2 to the extent they draw legal conclusions regarding those findings. Utah denies the remaining allegations in Paragraph 2.

3. Utah admits Plaintiffs challenged the Service’s Findings that the proposed Western United States (“Western U.S.”) gray wolf (*Canis lupus*) distinct population segment (“DPS”) does not warrant listing as an endangered or threatened species under the Endangered Species Act (“ESA”). Utah denies the remaining allegations in Paragraph 3.

4. Utah admits the Service prepared a gray wolf species status assessment (“SSA”) in response to petitions submitted by conservation organizations. The SSA speaks for itself and provides the best evidence of its contents. Utah denies the allegations in Paragraph 4 to the extent they draw legal conclusions regarding the SSA. Utah denies the remaining allegations in Paragraph 4.

5. The SSA cited in Paragraph 5 speaks for itself and provides the best evidence of its

contents. Utah denies the allegations in Paragraph 5 to the extent they draw legal conclusions regarding the SSA. Utah denies all remaining allegations in Paragraph 5.

6. The case law cited in Paragraph 6 speaks for itself and provides the best evidence of its contents. Utah denies the allegations in Paragraph 6 to the extent they draw legal conclusions regarding this authority. Utah otherwise denies all remaining allegations in Paragraph 6.

7. Utah denies the allegations in Paragraph 7.

JURISDICTION

8. Utah denies the allegations in Paragraph 8.

9. Utah denies the allegations in Paragraph 9.

10. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 10 and, on that basis, denies the same.

11. Utah denies the allegations in Paragraph 11.

12. Utah denies the allegations in Paragraph 12.

13. Utah denies the allegations in Paragraph 13.

PARTIES

14. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 14 and, on that basis, denies the same.

15. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 15 and, on that basis, denies the same.

16. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 16 and, on that basis, denies the same.

17. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 17 and, on that basis, denies the same.

18. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 18 and, on that basis, denies the same.

19. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 19 and, on that basis, denies the same.

20. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 20 and, on that basis, denies the same.

21. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 21 and, on that basis, denies the same.

22. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 22 and, on that basis, denies the same.

23. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 23 and, on that basis, denies the same.

24. Utah denies the allegations in Paragraph 24.

25. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 25 and, on that basis, denies the same.

26. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 26 and, on that basis, denies the same.

27. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 27 and, on that basis, denies the same.

28. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 28 and, on that basis, denies the same.

29. Utah denies the allegations in Paragraph 29.

30. Utah denies the allegations in Paragraph 30.

- 31. Utah denies the allegations in Paragraph 31.
- 32. Upon information and belief, Utah admits the allegations in Paragraph 32.
- 33. Upon information and belief, Utah admits the allegations in Paragraph 33.
- 34. Upon information and belief, Utah admits the allegations in Paragraph 34.
- 35. Upon information and belief, Utah admits the allegations in Paragraph 35.

BACKGROUND

The Gray Wolf (*Canis lupus*)

36. Upon information and belief, Utah admits gray wolves are the largest wild members of the canid (dog) family and have a broad circumpolar range. Utah denies the remaining allegations in Paragraph 36 for lack of information.

37. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 37 and, on that basis, denies the same.

- 38. Upon information and belief, Utah admits the allegations in Paragraph 38.
- 39. Upon information and belief, Utah admits the allegations in Paragraph 39.
- 40. Upon information and belief, Utah admits the allegations in Paragraph 40.
- 41. Utah denies the allegations in Paragraph 41.
- 42. Utah denies the allegations in Paragraph 42.
- 43. Upon information and belief, Utah admits the allegations in Paragraph 43.
- 44. Utah denies the allegations in Paragraph 44.

The Gray Wolf's Decline in the Contiguous United States

45. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 45 and, on that basis, denies the same.

- 46. Utah lacks sufficient information to either admit or deny the allegations in

Paragraph 46 and, on that basis, denies the same.

47. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 47 and, on that basis, denies the same.

48. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 48 and, on that basis, denies the same.

49. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 49 and, on that basis, denies the same.

50. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 50 and, on that basis, denies the same.

51. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 51 and, on that basis, denies the same.

52. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 52 and, on that basis, denies the same.

53. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 53 and, on that basis, denies the same.

54. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 54 and, on that basis, denies the same.

55. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 55 and, on that basis, denies the same.

56. Utah admits there have been individual gray wolves confirmed and reported in the State since the early 2000s. Utah otherwise lacks sufficient information to either admit or deny the allegations in Paragraph 56 and, on that basis, denies the same.

57. Utah denies the allegations in Paragraph 57.

58. Utah denies the allegations in Paragraph 58.

The Gray Wolf's Listing History under the ESA

59. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 59 and, on that basis, denies the same.

60. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 60 and, on that basis, denies the same.

61. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 61 and, on that basis, denies the same.

62. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 62 and, on that basis, denies the same.

63. Utah lacks sufficient information to either admit or deny the allegations in Paragraph 63 and, on that basis, denies the same.

64. The designations and findings identified in Paragraph 64 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 64 to the extent they draw legal conclusions regarding these designations and findings. Utah otherwise denies all remaining allegations in Paragraph 64.

65. The case law cited in Paragraph 65 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 65 to the extent they draw legal conclusions regarding this case law. Utah otherwise denies all remaining allegations in Paragraph 65.

66. The case law cited in Paragraph 66 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 66 to the extent they draw legal conclusions regarding this case law. Utah otherwise denies all remaining allegations in Paragraph 66.

67. The case law cited in Paragraph 67 speaks for itself and provides the best evidence

of its content. Utah denies the allegations in Paragraph 67 to the extent they draw legal conclusions regarding this case law. Utah otherwise denies all remaining allegations in Paragraph 67.

68. The policy and regulations cited in Paragraph 68 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 68 to the extent they draw legal conclusions regarding those authorities. Utah otherwise denies all remaining allegations in Paragraph 68.

69. The case law cited in Paragraph 69 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 69 to the extent they draw legal conclusions regarding this case law. Utah otherwise denies all remaining allegations in Paragraph 69.

70. The policy and regulations cited in Paragraph 70 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 70 to the extent they draw legal conclusions regarding those authorities. Utah otherwise denies all remaining allegations in Paragraph 70.

71. The case law cited in Paragraph 71 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 71 to the extent they draw legal conclusions regarding this case law. Utah otherwise denies all remaining allegations in Paragraph 71.

72. The policy and regulations cited in Paragraph 72 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 72 to the extent they draw legal conclusions regarding those authorities. Utah otherwise denies all remaining allegations in Paragraph 72.

73. The case law cited in Paragraph 73 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 73 to the extent they draw legal conclusions regarding this case law. Utah otherwise denies all remaining allegations in Paragraph 73.

74. The Appropriations Act cited in Paragraph 74 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 74 to the extent they draw legal conclusions regarding this Act. Utah otherwise denies all remaining allegations in Paragraph 74.

75. The policy and regulations cited in Paragraph 75 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 75 to the extent they draw legal conclusions regarding those authorities. Utah otherwise denies all remaining allegations in Paragraph 75.

76. The case law cited in Paragraph 76 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 76 to the extent they draw legal conclusions regarding this case law. Utah otherwise denies all remaining allegations in Paragraph 76.

77. The case law cited in Paragraph 77 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 77 to the extent they draw legal conclusions regarding this case law. Utah otherwise denies all remaining allegations in Paragraph 77.

78. The policy and regulations cited in Paragraph 78 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 78 to the extent they draw legal conclusions regarding those authorities. Utah otherwise denies all remaining allegations in Paragraph 78.

79. The case law, policy, and regulations cited in Paragraph 79 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 79 to the extent they draw legal conclusions regarding those authorities. Utah otherwise denies all remaining allegations in Paragraph 79.

80. The policy and regulations cited in Paragraph 80 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 80 to the extent they

draw legal conclusions regarding those authorities. Utah otherwise denies all remaining allegations in Paragraph 80.

81. The case law cited in Paragraph 81 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 81 to the extent they draw legal conclusions regarding this case law. Utah otherwise denies all remaining allegations in Paragraph 81.

82. Utah admits the allegations in Paragraph 82.

83. The delisting rule cited in Paragraph 83 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 83 to the extent they draw legal conclusions regarding the delisting rule. Utah otherwise denies all remaining allegations in Paragraph 83.

State Management of Gray Wolves

84. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 84 and, on that basis, denies the same.

85. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 85 and, on that basis, denies the same.

86. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 86 and, on that basis, denies the same.

87. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 87 and, on that basis, denies the same.

88. Utah admits the allegations in Paragraph 88.

89. Utah admits the allegations in Paragraph 89.

90. Utah admits the allegations in the first two sentences of Paragraph 90. Several sentences in Paragraph 90 cite legal authority and/or draw legal conclusions regarding wolf

management within the State. The legal authorities speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 90 to the extent they draw legal conclusions regarding this legal authority. Utah denies all remaining allegations in Paragraph 90.

91. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 91 and, on that basis, denies the same.

92. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 92 and, on that basis, denies the same.

93. Utah denies the allegations in Paragraph 93.

94. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 94 and, on that basis, denies the same.

95. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 95 and, on that basis, denies the same.

96. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 96 and, on that basis, denies the same.

97. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 97 and, on that basis, denies the same.

98. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 98 and, on that basis, denies the same.

99. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 99 and, on that basis, denies the same.

100. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 100 and, on that basis, denies the same.

101. Utah lacks sufficient knowledge and information to either admit or deny the

allegations in Paragraph 101 and, on that basis, denies the same.

102. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 102 and, on that basis, denies the same.

103. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 103 and, on that basis, denies the same.

104. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 104 and, on that basis, denies the same.

105. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 105 and, on that basis, denies the same.

106. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 106 and, on that basis, denies the same.

107. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 107 and, on that basis, denies the same.

108. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 108 and, on that basis, denies the same.

109. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 109 and, on that basis, denies the same.

110. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 110 and, on that basis, denies the same.

111. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 111 and, on that basis, denies the same.

112. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 112 and, on that basis, denies the same.

113. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 113 and, on that basis, denies the same.

114. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 114 and, on that basis, denies the same.

115. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 115 and, on that basis, denies the same.

116. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 116 and, on that basis, denies the same.

117. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 117 and, on that basis, denies the same.

118. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 118 and, on that basis, denies the same.

119. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 119 and, on that basis, denies the same.

120. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 120 and, on that basis, denies the same.

121. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 121 and, on that basis, denies the same.

122. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 122 and, on that basis, denies the same.

123. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 123 and, on that basis, denies the same.

124. Utah lacks sufficient knowledge and information to either admit or deny the

allegations in Paragraph 124 and, on that basis, denies the same.

125. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 125 and, on that basis, denies the same.

126. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 126 and, on that basis, denies the same.

127. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 127 and, on that basis, denies the same.

128. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 128 and, on that basis, denies the same.

129. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 129 and, on that basis, denies the same.

130. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 130 and, on that basis, denies the same.

131. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 131 and, on that basis, denies the same.

132. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 132 and, on that basis, denies the same.

133. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 133 and, on that basis, denies the same.

134. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 134 and, on that basis, denies the same.

135. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 135 and, on that basis, denies the same.

136. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 136 and, on that basis, denies the same.

137. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 137 and, on that basis, denies the same.

138. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 138 and, on that basis, denies the same.

139. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 139 and, on that basis, denies the same.

140. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 140 and, on that basis, denies the same.

141. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 141 and, on that basis, denies the same.

142. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 142 and, on that basis, denies the same.

143. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 143 and, on that basis, denies the same.

144. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 144 and, on that basis, denies the same.

Petitions to Relist Gray Wolves in the NRM, or Alternatively, List the Gray Wolf in a Western U.S. DPS

145. Utah denies the allegations in Paragraph 145.

146. Utah denies the allegations in Paragraph 146.

147. The findings cited in Paragraph 147 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 147 to the extent they draw

legal conclusions regarding these findings. Utah otherwise denies all remaining allegations in Paragraph 147.

148. The findings cited in Paragraph 148 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 148 to the extent they draw legal conclusions regarding these findings. Utah otherwise denies all remaining allegations in Paragraph 148.

149. The findings cited in Paragraph 149 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 149 to the extent they draw legal conclusions regarding these findings. Utah otherwise denies all remaining allegations in Paragraph 149.

150. The status review cited in Paragraph 150 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 150 to the extent they draw legal conclusions regarding this review. Utah otherwise denies all remaining allegations in Paragraph 150.

151. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 151 and, on that basis, denies the same.

The Service's Not-Warranted Finding

152. The findings cited in Paragraph 152 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 152 to the extent they draw legal conclusions regarding these findings. Utah otherwise denies all remaining allegations in Paragraph 152.

153. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 153 and, on that basis, denies the same.

154. Utah admits the allegations in the first sentence of Paragraph 154. The remaining sentences cite policies of the Service, which speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 154 to the extent they draw legal conclusions regarding these policies. Utah otherwise denies all remaining allegations in Paragraph 154.

155. The policies and statutes cited in Paragraph 155 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 155 to the extent they draw legal conclusions regarding these authorities. Utah otherwise denies all remaining allegations in Paragraph 155.

156. The policies and statutes cited in Paragraph 156 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 156 to the extent they draw legal conclusions regarding these authorities. Utah otherwise denies all remaining allegations in Paragraph 156.

157. The findings cited in Paragraph 157 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 157 to the extent they draw legal conclusions regarding these findings. Utah otherwise denies all remaining allegations in Paragraph 157.

158. The findings cited in Paragraph 158 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 158 to the extent they draw legal conclusions regarding these findings. Utah otherwise denies all remaining allegations in Paragraph 158.

159. The findings cited in Paragraph 159 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 159 to the extent they draw

legal conclusions regarding these findings. Utah otherwise denies all remaining allegations in Paragraph 159.

160. The SSA and findings cited in Paragraph 160 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 160 to the extent they draw legal conclusions regarding these findings. Utah otherwise denies all remaining allegations in Paragraph 160.

161. The findings cited in Paragraph 161 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 161 to the extent they draw legal conclusions regarding these findings. Utah otherwise denies all remaining allegations in Paragraph 161.

162. The findings cited in Paragraph 162 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 162 to the extent they draw legal conclusions regarding these findings. Utah otherwise denies all remaining allegations in Paragraph 162.

163. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 163 and, on that basis, denies the same.

164. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 164 and, on that basis, denies the same.

165. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 165 and, on that basis, denies the same.

166. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 166 and, on that basis, denies the same.

167. Utah lacks sufficient knowledge and information to either admit or deny the

allegations in Paragraph 167 and, on that basis, denies the same.

168. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 168 and, on that basis, denies the same.

169. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 169 and, on that basis, denies the same.

170. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 170 and, on that basis, denies the same.

171. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 171 and, on that basis, denies the same.

172. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 172 and, on that basis, denies the same.

173. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 173 and, on that basis, denies the same.

174. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 174 and, on that basis, denies the same.

175. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 175 and, on that basis, denies the same.

176. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 176 and, on that basis, denies the same.

177. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 177 and, on that basis, denies the same.

178. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 178 and, on that basis, denies the same.

179. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 179 and, on that basis, denies the same.

180. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 180 and, on that basis, denies the same.

181. Utah denies the allegations in Paragraph 181.

182. Utah denies the allegations in Paragraph 182.

183. Utah denies the allegations in Paragraph 183.

184. The findings cited in Paragraph 184 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 184 to the extent they draw legal conclusions regarding these findings. Utah otherwise denies all remaining allegations in Paragraph 184.

185. The findings cited in Paragraph 185 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 185 to the extent they draw legal conclusions regarding these findings. Utah admits that the Service “concluded the combined management and regulatory frameworks in the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming are adequate to ensure that human-caused mortality, where it occurs, is sufficiently minimized.” Utah otherwise denies all remaining allegations in Paragraph 185.

186. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 186 and, on that basis, denies the same.

187. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 187 and, on that basis, denies the same.

188. The findings cited in Paragraph 188 speak for themselves and provide the best

evidence of their content. Utah denies the allegations in Paragraph 188 to the extent they draw legal conclusions regarding these findings. Utah otherwise denies the allegations in Paragraph 188.

189. Utah denies the allegations in Paragraph 189.

190. The findings and evaluations cited in Paragraph 190 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 190 to the extent they draw legal conclusions regarding these findings and evaluations. Utah otherwise admits the allegations in Paragraph 190.

191. The findings and evaluations cited in Paragraph 191 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 191 to the extent they draw legal conclusions regarding these findings and evaluations. Utah otherwise admits the allegations in Paragraph 191.

FIRST CLAIM FOR RELIEF
(Violation of the ESA – Five Threat Factors)

192. In response to Paragraph 192, Utah incorporates by reference its responses to all preceding paragraphs.

193. The allegations in Paragraph 193 contain legal conclusions, for which no response is required. To the extent a response is required, Utah denies the allegations in Paragraph 193.

194. Utah denies the allegations in Paragraph 194.

195. Utah denies the allegations in Paragraph 195.

SECOND CLAIM FOR RELIEF
(Violation of the ESA – Best Available Science)

196. In response to Paragraph 196, Utah incorporates by reference its responses to all preceding paragraphs.

197. The allegations in Paragraph 197 contain legal conclusions, for which no response

is required. To the extent a response is required, Utah denies the allegations in Paragraph 197.

198. Utah denies the allegations in Paragraph 198.

199. Utah denies the allegations in Paragraph 199.

THIRD CLAIM FOR RELIEF
(Violation of the ESA – Significant Portion of Its Range)

200. In response to Paragraph 200, Utah incorporates by reference its responses to the preceding paragraphs.

201. The allegations in Paragraph 201 contain legal conclusions, for which no response is required. To the extent a response is required, Utah denies the allegations in Paragraph 201.

202. Utah denies the allegations in Paragraph 202.

203. Utah denies the allegations in Paragraph 203.

204. Utah denies the allegations in Paragraph 204.

REQUEST FOR RELIEF

Utah denies all the allegations and requests for relief included in Plaintiffs' Request for Relief.

DEFENSES

1. Plaintiffs fail to state a claim for which relief may be granted.
2. Plaintiffs lack standing to assert one or more of their claims.
3. This Court lacks jurisdiction over one or more of Plaintiffs' claims.
4. Some or all of Plaintiffs' claims are not ripe.

Utah reserves the right to assert additional affirmative defenses as they become evident.

WHEREFORE, Utah respectfully requests that Plaintiffs' claims be dismissed with prejudice, that judgment be entered on behalf of Defendants and against Plaintiffs on all claims,

and that such further relief be granted Defendants as this Court deems just and proper.

Respectfully submitted this ____ day of October 2024.

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*Motion for Pro Hac Vice pending

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA, MISSOULA DIVISION

WESTERN WATERSHEDS PROJECT, et
al.,

Plaintiffs,

and

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Consolidated Plaintiffs

v.

UNITED STATES FISH AND WILDLIFE
SERVICE, et al.,

Defendants,

and

STATE OF UTAH,

Proposed Intervenor-
Defendant.

Lead Case
9:24-cv-00086-DWM

Member Case
9:24-cv-00087-DWM
9:24-cv-00097-DWM

**PROPOSED INTERVENOR-
DEFENDANT STATE OF UTAH'S
PROPOSED ANSWER TO
PLAINTIFFS ANIMAL
WELLNESS ACTION, ET AL'S
COMPLAINT IN MEMBER CASE
NO. 9:24-CV-00097**

COMES NOW, Defendant-Intervenor State of Utah ("the State") respectfully answers and asserts defenses to the allegations and claims contained in the Complaint filed by Plaintiffs Animal

Wellness Action, The Center for a Humane Economy, Project Coyote, The Kettle Range Conservation Group, Footloose Montana, The Gallatin Wildlife Association (collectively “Plaintiffs”) (Dkt. 1), and answer each numbered paragraph as follows:

GENERAL DENIAL

Utah denies each and every allegation of the Complaint that is not expressly and specifically admitted below.

INTRODUCTION

1. Utah admits Plaintiffs filed a Complaint in the Member Case, No. 9:24-cv-00097. Utah otherwise denies the allegations in Paragraph 1.

2. The Service’s findings cited in Paragraph 2 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 2 to the extent they draw legal conclusions regarding those findings. Utah denies the remaining allegations in Paragraph 2.

3. The Service’s findings cited in Paragraph 3 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 3 to the extent they draw legal conclusions regarding those findings. Utah otherwise admits that the Service found that a proposed Western gray wolf distinct population segment (“DPS”) does not warrant listing as an endangered or threatened species under the Endangered Species Act (“ESA”).

4. Utah denies the allegations in Paragraph 4.

5. Utah denies the allegations in Paragraph 5.

JURISDICTION AND VENUE

6. Utah denies the allegations in Paragraph 6.

7. Utah denies the allegations in Paragraph 7.

8. Utah denies the allegations in Paragraph 8.

9. Utah denies the allegations in Paragraph 9.

10. Utah denies the allegations in Paragraph 10.

11. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 11 and, on that basis, denies the same.

12. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 12 and, on that basis, denies the same.

PARTIES
Plaintiffs

13. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 13 and, on that basis, denies the same.

14. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 14 and, on that basis, denies the same.

15. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 15 and, on that basis, denies the same.

16. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 16 and, on that basis, denies the same.

17. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 17 and, on that basis, denies the same.

18. Utah lacks sufficient knowledge and information to either admit or deny the

allegations in Paragraph 18 and, on that basis, denies the same.

19. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 19 and, on that basis, denies the same.

20. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 20 and, on that basis, denies the same.

Plaintiffs' Interests

21. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 21 and, on that basis, denies the same.

22. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 22 and, on that basis, denies the same.

23. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 23 and, on that basis, denies the same.

24. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 24 and, on that basis, denies the same.

25. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 25 and, on that basis, denies the same.

26. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 26 and, on that basis, denies the same.

27. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 27 and, on that basis, denies the same.

28. Utah lacks sufficient knowledge and information to either admit or deny the

allegations in Paragraph 28 and, on that basis, denies the same.

29. Utah denies the allegations in Paragraph 29.

30. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 30 and, on that basis, denies the same.

31. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 31 and, on that basis, denies the same.

32. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 32 and, on that basis, denies the same.

33. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 33 and, on that basis, denies the same.

34. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 34 and, on that basis, denies the same.

35. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 35 and, on that basis, denies the same.

36. Utah denies the allegations in Paragraph 36.

Defendants

37. Upon information and belief, Utah admits the allegations in Paragraph 37.

38. Upon information and belief, Utah admits the allegations in Paragraph 38.

39. Upon information and belief, Utah admits the allegations in Paragraph 39.

40. Upon information and belief, Utah admits the allegations in Paragraph 40.

STATUTORY AND REGULATORY BACKGROUND

41. The case law and statutory authority cited in Paragraph 41 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 41 to the

extent they draw legal conclusions regarding those authorities. Utah denies all remaining allegations in Paragraph 41.

42. The case law and statutory authority cited in Paragraph 42 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 42 to the extent they draw legal conclusions regarding those authorities. Utah denies all remaining allegations in Paragraph 42.

43. The statutory authority cited in Paragraph 43 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 43 to the extent they draw legal conclusions regarding those authorities. Utah denies all remaining allegations in Paragraph 43.

44. The statutory authority and policies referenced in Paragraph 44 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 44 to the extent they draw legal conclusions regarding those authorities. Utah denies all remaining allegations in Paragraph 44.

45. The statutory authority and policies referenced in Paragraph 45 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 45 to the extent they draw legal conclusions regarding those authorities. Utah denies all remaining allegations in Paragraph 45.

46. The case law cited in Paragraph 46 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 46 to the extent they draw legal conclusions regarding that case law. Utah denies all remaining allegations in Paragraph 46.

47. The case law and policies cited in Paragraph 47 speak for themselves and provide the best evidence of their contents. Utah denies the allegations in Paragraph 47 to the extent they draw legal conclusions regarding the cited case law and policies. Utah denies all remaining

allegations in Paragraph 47.

48. The case law cited in Paragraph 48 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 48 to the extent they draw legal conclusions regarding the cited case law. Utah denies all remaining allegations in Paragraph 48.

49. Utah is without sufficient knowledge and information to either admit or deny the allegations in Paragraph 49 and, on that basis, denies the same.

50. The statutory authority cited in Paragraph 50 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 50 to the extent they draw legal conclusions regarding the cited statutory authority. Utah otherwise denies the allegations in Paragraph 50.

51. The statutory and regulatory authority cited in Paragraph 51 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 51 to the extent they draw legal conclusions regarding the cited authority. Utah otherwise denies the allegations in Paragraph 51.

52. The statutory authority and case law cited in Paragraph 52 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 52 to the extent they draw legal conclusions regarding the cited authority. Utah otherwise denies the allegations in Paragraph 52.

FACTUAL BACKGROUND
The Gray Wolf and the ESA

53. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 53 and, on that basis, denies the same.

54. Utah lacks sufficient knowledge and information to either admit or deny the

allegations in Paragraph 54 and, on that basis, denies the same.

55. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 55 and, on that basis, denies the same.

56. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 56 and, on that basis, denies the same.

57. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 57 and, on that basis, denies the same.

58. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 58 and, on that basis, denies the same.

59. Utah lacks sufficient knowledge and information to either admit or deny the allegations in the first sentence of Paragraph 59 and, on that basis, denies the same. The remaining sentences in Paragraph 59 cite listing decisions and rules promulgated by the Service. Those decisions and rules speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 59 to the extent they draw legal conclusions regarding the cited authority. Utah otherwise denies the allegations in Paragraph 59.

60. Utah denies the allegations in Paragraph 60.

61. The rules and case law cited in Paragraph 61 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 61 to the extent they draw legal conclusions regarding the cited authority. Utah otherwise denies the allegations in Paragraph 61.

62. The rules, case law, and congressional acts cited in Paragraph 62 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 62 to the extent they draw legal conclusions regarding the cited authority. Utah denies the

remaining allegations in Paragraph 62.

63. The rule cited in Paragraph 63 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 63 to the extent they draw legal conclusions regarding the cited authority. Utah otherwise denies the remaining allegations in Paragraph 63.

64. Utah denies the allegations in Paragraph 64.

65. Utah denies the allegations in Paragraph 65.

66. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 66 and, on that basis, denies the same.

67. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 67 and, on that basis, denies the same.

68. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 68 and, on that basis, denies the same.

69. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 69 and, on that basis, denies the same.

The 2021 Petition

70. Utah admits Plaintiffs filed the referenced petition in 2021. Utah denies the allegations in Paragraph 70 to the extent they draw legal conclusions regarding that petition.

71. Utah denies the allegations in Paragraph 71.

72. Utah denies the allegations in Paragraph 72.

Gray Wolf Populations and Management in the Western States

Montana

73. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 73 and, on that basis, denies the same.

74. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 74 and, on that basis, denies the same.

75. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 75 and, on that basis, denies the same.

76. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 76 and, on that basis, denies the same.

77. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 77 and, on that basis, denies the same.

78. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 78 and, on that basis, denies the same.

79. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 79 and, on that basis, denies the same.

80. Utah denies the allegations in Paragraph 80.

81. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 81 and, on that basis, denies the same.

82. Utah denies the allegations in Paragraph 82.

83. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 83 and, on that basis, denies the same.

84. Utah denies the allegations in Paragraph 84.

85. Utah denies the allegations in Paragraph 85.

86. Utah denies the allegations in Paragraph 86.

87. Utah denies the allegations in Paragraph 87.

88. Utah denies the allegations in Paragraph 88.

Idaho

89. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 89 and, on that basis, denies the same.

90. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 90 and, on that basis, denies the same.

91. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 91 and, on that basis, denies the same.

92. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 92 and, on that basis, denies the same.

93. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 93 and, on that basis, denies the same.

94. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 94 and, on that basis, denies the same.

95. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 95 and, on that basis, denies the same.

96. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 96 and, on that basis, denies the same.

97. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 97 and, on that basis, denies the same.

98. Utah denies the allegations in Paragraph 98.

99. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 99 and, on that basis, denies the same.

100. Utah lacks sufficient knowledge and information to either admit or deny the

allegations in Paragraph 100 and, on that basis, denies the same.

101. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 101 and, on that basis, denies the same.

102. Utah denies the allegations in Paragraph 102.

103. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 103 and, on that basis, denies the same.

Wyoming

104. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 104 and, on that basis, denies the same.

105. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 105 and, on that basis, denies the same.

106. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 106 and, on that basis, denies the same.

107. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 107 and, on that basis, denies the same.

108. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 108 and, on that basis, denies the same.

109. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 109 and, on that basis, denies the same.

Oregon

110. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 110 and, on that basis, denies the same.

111. Utah lacks sufficient knowledge and information to either admit or deny the

allegations in Paragraph 111 and, on that basis, denies the same.

112. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 112 and, on that basis, denies the same.

113. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 113 and, on that basis, denies the same.

114. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 114 and, on that basis, denies the same.

115. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 115 and, on that basis, denies the same.

116. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 116 and, on that basis, denies the same.

117. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 117 and, on that basis, denies the same.

118. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 118 and, on that basis, denies the same.

119. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 119 and, on that basis, denies the same.

120. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 120 and, on that basis, denies the same.

121. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 121 and, on that basis, denies the same.

122. *Washington*

123. Utah lacks sufficient knowledge and information to either admit or deny the

allegations in Paragraph 123 and, on that basis, denies the same.

124. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 124 and, on that basis, denies the same.

125. Utah denies the allegations in Paragraph 125.

126. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 126 and, on that basis, denies the same.

127. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 127 and, on that basis, denies the same.

128. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 128 and, on that basis, denies the same.

129. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 129 and, on that basis, denies the same.

130. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 130 and, on that basis, denies the same.

Utah

131. Utah admits the allegations in Paragraph 131.

132. Utah denies the allegations in Paragraph 132.

Nevada

133. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 133 and, on that basis, denies the same.

134. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 134 and, on that basis, denies the same.

135. Utah lacks sufficient knowledge and information to either admit or deny the

allegations in Paragraph 135 and, on that basis, denies the same.

California

136. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 136 and, on that basis, denies the same.

137. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 137 and, on that basis, denies the same.

Colorado

138. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 138 and, on that basis, denies the same.

139. Upon information and belief, Utah admits a small number of wolves were reintroduced into Colorado in late 2023. Utah otherwise denies the allegations in Paragraph 139.

140. **New Mexico and Arizona**

141. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 141 and, on that basis, denies the same.

142. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 142 and, on that basis, denies the same.

143. Utah admits the Mexican gray wolf remains listed as endangered under the ESA. Utah otherwise denies the allegations in Paragraph 143.

144. Utah denies the allegations in Paragraph 144.

145. Utah denies the allegations in Paragraph 145.

The Service's "Not Warranted" Finding

The ESA Five-Factor Threat Analysis

146. The regulations and statutes cited in Paragraph 146 speak for themselves and

provide the best evidence of their content. Utah denies the allegations in Paragraph 146 to the extent they draw legal conclusions regarding the cited authority. Utah otherwise admits the allegations in Paragraph 146.

147. The Dclisting Rule cited in Paragraph 147 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 147 to the extent they draw legal conclusions regarding the cited Rule. Utah otherwise denies the allegations in Paragraph 147.

148. The press release cited in Paragraph 148 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 148 to the extent they draw legal conclusions regarding the press release. Utah otherwise denies the allegations in Paragraph 148.

149. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 149 and, on that basis, denies the same.

150. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 150 and, on that basis, denies the same.

151. Utah denies the allegations in Paragraph 151.

152. Utah denies the allegations in Paragraph 152.

153. Utah denies the allegations in Paragraph 153.

154. Utah denies the allegations in Paragraph 154.

155. Utah denies the allegations in Paragraph 155.

156. Utah denies the allegations in Paragraph 156.

Best Available Science

157. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 157 and, on that basis, denies the same.

158. Utah lacks sufficient knowledge and information to either admit or deny the

allegations in Paragraph 158 and, on that basis, denies the same.

159. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 159 and, on that basis, denies the same.

160. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 160 and, on that basis, denies the same.

161. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 161 and, on that basis, denies the same.

162. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 162 and, on that basis, denies the same.

163. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 163 and, on that basis, denies the same.

164. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 164 and, on that basis, denies the same.

165. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 165 and, on that basis, denies the same.

166. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 166 and, on that basis, denies the same.

167. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 167 and, on that basis, denies the same.

168. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 168 and, on that basis, denies the same.

169. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 169 and, on that basis, denies the same.

170. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 170 and, on that basis, denies the same.

171. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 171 and, on that basis, denies the same.

172. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 172 and, on that basis, denies the same.

173. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 173 and, on that basis, denies the same.

174. Utah denies the allegations in Paragraph 174.

175. Utah denies the allegations in Paragraph 175.

176. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 176 and, on that basis, denies the same.

177. Utah denies the allegations in Paragraph 177.

178. Utah denies the allegations in Paragraph 178.

179. Utah denies the allegations in Paragraph 179.

180. Utah denies the allegations in Paragraph 180.

181. Utah denies the allegations in Paragraph 181.

182. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 182 and, on that basis, denies the same.

183. Utah denies the allegations in Paragraph 183.

184. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 184 and, on that basis, denies the same.

185. Utah denies the allegations in Paragraph 185.

186. Utah denies the allegations in Paragraph 186.

187. Utah denies the allegations in Paragraph 187.

188. Utah denies the allegations in Paragraph 188.

189. The SSA cited in Paragraph 189 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 189 to the extent they draw legal conclusions regarding the SSA. However, Utah admits the Service found that the Western gray wolf population is genetically healthy. Utah otherwise denies the allegations in Paragraph 189.

190. Utah denies the allegations in Paragraph 190.

191. Utah denies the allegations in Paragraph 191.

192. Utah denies the allegations in Paragraph 192.

193. Utah denies the allegations in Paragraph 193.

194. Utah denies the allegations in Paragraph 194.

195. Utah denies the allegations in Paragraph 195.

196. Utah denies the allegations in Paragraph 196.

197. Utah denies the allegations in Paragraph 197.

198. Utah lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 198 and, on that basis, denies the same.

199. Utah denies the allegations in Paragraph 199.

200. Utah denies the allegations in Paragraph 200.

201. Utah denies the allegations in Paragraph 201.

202. Utah denies the allegations in Paragraph 202.

203. Utah denies the allegations in Paragraph 203.

204. Utah denies the allegations in Paragraph 204.

205. Utah denies the allegations in Paragraph 205.

206. Utah denies the allegations in Paragraph 206.

207. Utah denies the allegations in Paragraph 207.

208. Utah denies the allegations in Paragraph 208.

209. Utah denies the allegations in Paragraph 209.

210. Utah denies the allegations in Paragraph 210.

211. Utah denies the allegations in Paragraph 211.

212. Utah denies the allegations in Paragraph 212.

213. Utah denies the allegations in Paragraph 213.

Significant Portion of Range

214. The Service's policy cited in Paragraph 214 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 214 to the extent they draw legal conclusions regarding the policy. Utah otherwise denies the allegations in Paragraph 214.

215. The Service's policy cited in Paragraph 215 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 215 to the extent they draw legal conclusions regarding the policy. Utah otherwise denies the allegations in Paragraph 215.

216. Utah denies the allegations in Paragraph 216.

217. Utah denies the allegations in Paragraph 217.

218. Utah denies the allegations in Paragraph 218.

219. Utah denies the allegations in Paragraph 219.

220. Utah denies the allegations in Paragraph 220.

221. Utah denies the allegations in Paragraph 221.

CLAIMS FOR RELIEF

FIRST CLAIM – Failing to Properly Assess ESA Five Factors

222. In response to Paragraph 222, Utah incorporates by reference its responses and denials set forth above.

223. The statutes and regulations cited in Paragraph 223 speak for themselves and provide the best evidence of their content. Utah denies the allegations in Paragraph 223 to the extent they draw legal conclusions regarding those authorities. Utah otherwise denies the allegations in Paragraph 223.

224. Utah denies the allegations in Paragraph 224.

225. Utah denies the allegations in Paragraph 225.

226. Utah denies the allegations in Paragraph 226.

SECOND CLAIM – Failing to Use Best Available Science

227. In response to Paragraph 227, Utah incorporates by reference its responses and denials set forth above.

228. The statute cited in Paragraph 228 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 228 to the extent they draw legal conclusions regarding the statute. Utah otherwise denies the allegations in Paragraph 228.

229. Utah denies the allegations in Paragraph 229.

230. Utah denies the allegations in Paragraph 230.

THIRD CLAIM – Failing to Properly Evaluate SPR

231. In response to Paragraph 231, Utah incorporates by reference its responses and denials set forth above.

232. The statute cited in Paragraph 232 speaks for itself and provides the best evidence of its content. Utah denies the allegations in Paragraph 232 to the extent they draw legal

conclusions regarding the statute. Utah otherwise denies the allegations in Paragraph 232.

233. Utah denies the allegations in Paragraph 233.

234. Utah denies the allegations in Paragraph 234.

235. Utah denies the allegations in Paragraph 235.

REQUEST FOR RELIEF

Utah denies all the allegations and requests for relief included in Plaintiffs' Prayer for Relief.

DEFENSES

1. Plaintiffs fail to state a claim for which relief may be granted.
2. Plaintiffs lack standing to assert one or more of their claims.
3. This Court lacks jurisdiction over one or more of Plaintiffs' claims.
4. Some or all of Plaintiffs' claims are not ripe.

Utah reserves the right to assert additional affirmative defenses as they become evident.

WHEREFORE, Utah respectfully requests that Plaintiffs' claims be dismissed with prejudice, that judgment be entered on behalf of Defendants and against Plaintiffs on all claims, and that such further relief be granted Defendants as this Court deems just and proper.

Respectfully submitted this ____ day of October 2024.

Michael Begley
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Jason L. DeForest
Attorneys for the State of Utah